

Dated: December 15, 2023

Respectfully submitted,

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ATTORNEY-IN-CHARGE FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that I served Defendants' First Set of Interrogatories upon counsel of record on December 15, 2023, via electronic mail as follows:

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/s/ Jamie L. Houston
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DEFINITIONS AND INSTRUCTIONS TO THE INTERROGATORIES

The following definitions and instructions apply to each request unless otherwise explicitly stated.

Any terms not otherwise defined shall be given their plain and ordinary meaning.

A. DEFINITIONS

The following definitions shall have the following meaning:

1. “Defendants” refers collectively to Mammoth Energy Services, Inc., Cobra Acquisitions, LLC, Higher Power Electrical, LLC, and 5 Star Electric, LLC, and any of their directors, officers, partners, principals, associates, employees, staff members, agents, brokers, representatives and attorneys, collectively and singularly.
2. “You,” “your,” and “Plaintiffs” refer to all named or opt-in party-plaintiffs, individually and collectively, and their agents, attorneys, or representatives.
3. “FLSA” refers to the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 *et seq.*
4. “Communication” means the transmittal of information (in form of facts, ideas, inquiries, or otherwise).
5. “Document” or “documents” include, but are not limited to, the original and all non-identical copies of any written, graphic, electronic, or magnetic matter, however produced, whether sent or received, or neither, including drafts and both sides thereof, in your possession, custody, or control and specifically includes electronic documents and metadata (as defined). The terms shall include all papers, communications, correspondences, emails, letters, books, accounts,
6. “Metadata” shall mean system and application metadata. System metadata is information describing the history and characteristics of other electronic documents. This information is typically associated with tracking or managing an electronic file and often includes data reflecting a file’s name, size, custodian, location, and dates of creation and last modification or access. Application metadata is information automatically included or embedded in electronic files but which may not be apparent to a user, including deleted content, draft language, commentary, collaboration and distribution data and dates of creation and printing. For electronic mail, metadata includes all header routing data and Base 64 encoded attachment data, in addition to the To, From, Subject, Received Date, Sent Date, Time Sent, CC, BCC and Body fields.
7. “Possession, custody, or control” of an item means that a person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.
8. “Person” means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.

9. The terms “refer or relate” or “referring or relating” mean, without limitation, referring to, relating to, having any relationship to, pertaining to, evidencing or constituting evidence of, representing, memorializing, summarizing, describing, discussing, analyzing, evaluating, prepared by or sent to, directly or indirectly or in whole or in part, the subject matter of the particular request.

10. The conjunction “or” as used in these requests should not be read to limit part of the requests but, whenever applicable, it should have the same meaning as the word “and.” For example, a request stating, “support or refer” should be read as “support and refer” if an answer that does both could be made.

11. “Demonstrating,” “evidencing,” “relating to,” and “referring to” mean consisting of, summarizing, describing, concerning, pertaining to, reflecting, or relating or referring to in any way.

12. “Supporting” and “refuting” mean relating to, bearing on, or containing information related to your claims.

13. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

B. INSTRUCTIONS

1. Please answer fully, in writing and under oath, each of the following interrogatories and to serve a copy of the discovery answers on Defendants’ counsel thirty (30) days after these interrogatories have been served on you.

2. As to any interrogatory that you refuse to answer or are unable to answer, in whole or in part, for any reason, please state the reason(s) for your refusal or inability to answer. When you believe a complete answer to a particular interrogatory or part of the interrogatory is not possible, please answer each interrogatory to the extent possible and furnish a statement explaining: (a) the reason for your inability to answer further; and (b) what information or knowledge you do have concerning the unanswered portion.

3. Please restate or retype the interrogatory before answering.

4. Furnish all information available to you and known by you, or in your possession, or that of your agents and attorneys or appearing in your records.

5. If any or all documents identified in your answers to these interrogatories are no longer in your possession, custody, or control because of destruction, loss, or any other reason, then please follow the instructions in sub-parts (a) - (e) below for each such document:

- (a) describe the nature of the document (*e.g.*, letter or memorandum);
- (b) state the date of the document;

- (c) identify the person(s) who sent and received the original and/or any copy of the document;
- (d) state in detail the contents of the document; and
- (e) state the manner and date of disposition of the document and, without limitation, describe the disposition made of it, the person(s) responsible for making the decision regarding the disposition, and the person(s) responsible for carrying out the disposition.

6. If you contend that you are entitled to withhold from production any of the documents identified in these interrogatories on the basis of attorney-client privilege, work product doctrine, or any other ground, then please follow the instructions described in sub-parts (a) - (e) below for each withheld document:

- (a) describe the nature of the document (*e.g.*, letter or memorandum);
- (b) state the date of the document;
- (c) identify the person(s) who sent and received the document and/or any copy thereof;
- (d) state the subject matter of the document; and
- (e) state the basis upon which you contend that you are entitled to withhold the document from production.

7. You are advised that these interrogatories are continuing in nature, and should you learn at a later date that your response to any interrogatory was incomplete or incorrect when made or, although complete and correct when made, is no longer complete and correct, then you are required to supplement the response in accordance with the Federal Rules of Civil Procedure.

FIRST SET OF INTERROGATORIES TO PLAINTIFFS

INTERROGATORY NO. 1. During the time period covering your claims, for each work week during which you contend you worked in excess of 40 hours, please state the following: (1) the dates that you claim you worked in excess of 40 hours during that week; (2) the total number of hours that you claim you worked during the week or day in question; (3) the rate you believe you should have been paid for the hours worked in excess of 40 in that workweek; and (4) the amount of pay you believe you are owed by any Defendant for that workweek or workday.

ANSWER:

INTERROGATORY NO. 2. Identify the start and end dates for your FLSA claim(s).

ANSWER:

INTERROGATORY NO. 3. Describe your job duties and identify the position(s) held during the period of time identified in response to Interrogatory No. 2.

ANSWER:

INTERROGATORY NO. 4. If you contend that any Defendant willfully violated the FLSA, then please explain why you so contend. If you do not so contend, then please so state. This Interrogatory seeks the factual basis of your claim(s), not your attorneys' work product or any communications with your attorney(s).

ANSWER:

INTERROGATORY NO. 5. Identify the location (by city/province/municipality and state/territory) where you completed orientation.

ANSWER:

INTERROGATORY NO. 6. Identify the amount of damages you assert that you are owed in this litigation.

ANSWER: